

12-8-04

IFU

## MOSS &amp; BARNETT

A Professional Association

4800 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402-4129

Telephone 612.347.0300

Facsimile 612.339.6686

www.moss-barnett.com



THOMAS A. KELLER III  
 JAMES E. O'BRIEN  
 EDWARD L. WINER  
 WILLIAM A. HAUG  
 CHARLES A. PARSONS, JR.  
 RICHARD J. JOHNSON  
 ROBERT J. LUKES  
 JAMES A. RUBENSTEIN  
 THOMAS R. SHERAN  
 EDWARD J. BLOMME  
 JEFFREY L. WATSON  
 THOMAS J. SHROYER  
 DAVID P. JENDRZEJEK  
 CURTIS D. SMITH  
 DAVE F. SENGEL  
 MITCHELL H. COX  
 MICHAEL J. BRADLEY  
 PETER A. KOLLER  
 RICHARD J. KELBER  
 KEVIN M. BUSCH  
 SUSAN C. RHODE  
 THOMAS A. JUDD  
 DEANNE M. GRECO  
 CASS S. WEIL  
 GLEN E. SCHUMANN  
 JANNA R. SEVERANCE  
 M. CECILIA RAY  
 NANCY M. KISKIS  
 BARRY LAZARUS  
 RONALD A. EISENBERG  
 PAUL B. ZISLA  
 BRIAN T. GROGAN  
 J. MICHAEL COLLOTON  
 ERIC J. OLSEN  
 JOSEPH G. MATERNOWSKI  
 WILLIAM A. CUMMING  
 JAYMES D. LITTLEJOHN  
 MICHAEL R. NIXT  
 JAMES F. BALDWIN  
 DAVID S. JOHNSON  
 PHILIP J. YOUNG  
 ARTHUR W. DICKINSON  
 BEN M. HENSCHER  
 DAN LIPSCHULTZ  
 JOHN K. ROSSMAN  
 MARK B. PETERSON  
 MARCY R. FROST  
 MARSHA STOLT  
 MATHEW M. MEYER  
 GREGORY J. WILEY  
 TIMOTHY L. GUSTIN  
 YURI B. BERNDT  
 KELLI A. ENDERS  
 ELIZABETH H. KIERNAT  
 MELISSA A. BAER  
 JAMES J. VEDDER  
 MICHAEL S. PONCIN  
 JANA AUNE DEACH  
 LISA K. PLUTO  
 CINDY J. ACKERMAN  
 ANTHONY A. DORLAND  
 LORIE A. KLEIN  
 TERESE A. WEST  
 ANDREA R. SCOTT  
 JEFFREY L. BODENSTEINER  
 LISA A. HASTER  
 JULIA M. DAYTON

GLEN E. SCHUMANN  
 612.347.0282  
 SchumannG@moss-barnett.com

December 7, 2004

CERTIFICATE OF MAILING  
 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited  
 with the U.S. Postal Service as Express Mail in an envelope  
 addressed to: Commissioner of Patents, P.O. Box 1450,  
 Alexandria, VA 22313-1450, on the date below:

12-7-04 *Glen E. Schumann*  
 Date Signature

Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: Application Number: 10/640,983  
 Filing Date: 08/14/2003  
 First Named Inventor: Bill Snelson  
 Art Unit: 3636  
 Examiner Name: Milton Nelson, Jr.  
 Attorney Docket Number: 44268.1

Dear Sir/Madam:

Enclosed herewith for filing in the United States Patent and Trademark Office is the Response to  
 Office Action dated November 19, 2004.

Please acknowledge receipt of the enclosed item on the enclosed self-addressed, stamped  
 postcard and return the postcard to us.

Should you have any questions, please contact the undersigned.

Sincerely,

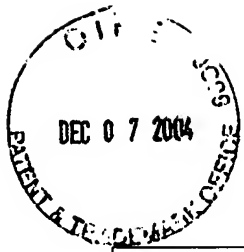
MOSS & BARNETT,  
 A Professional Association

*Glen E. Schumann*  
 Glen E. Schumann

GES/lcj  
 Enclosures

cc: Mr. Bill Snelson (w/encl.)  
 730317v1

OF COUNSEL  
 THOMAS E. HARMS  
 ARTHUR J. GLASSMAN



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>INTERVIEW SUMMARY</b>	Application Number: 10/640,983
	Filing Date: 08/14/2003
CHEEK SEAT	First Named Inventor: Bill Snelson
	Group Art Unit: 3636
	Examiner: Milton Nelson, Jr.
	Attorney Docket No.: 44268.1
	Date of Interview: November 12, 2004
	Type of Interview: Telephonic
	Name of Participant's Attorney: Glen E. Schumann
	Exhibit Shown: None

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action of November 19, 2004, please amend the above-identified application as follows:

OFFICE ACTION

This is responsive to the communication dated November 19, 2004.

INTERVIEW SUMMARY RECORD

On or about November 12, 2004, applicant's counsel, Glen E. Schumann, contacted the Examiner, Milton Nelson, Jr. with respect to the aforementioned file.

In the Office Action of July 16, 2004, the Examiner indicated that claims 3-6 would be allowable if rewritten to overcome the 35 U.S.C. 112 rejections. The Examiner considered non-elected claim 6 since it was dependent from a claim that had been found to contain allowable subject matter. Non-elected claim 7 was withdrawn from further consideration.

Claims 1-7 had previously been subjected to a restriction requirement. Applicant had originally elected without traverse Group I, including claims 1-5. In responding to the July 16, 2004 Office Action, Applicant realized that withdrawn claim 7 was a Group I species. Applicant further realized that claim 6, allowed by the Examiner as dependent on allowed claim 3, was actually a Group II species (not originally elected).

Applicant's counsel contacted the Examiner for the purpose of pointing out that the independent claims 1, 2 and 3 were generic as to both Group I and Group II, that claim 6, conditionally allowed by the Examiner, should be permitted as a consistent Group II species claim dependent upon generic claim 3 (despite the fact that only Group I had originally been elected), and that claim 7 would be rewritten and reinserted as independent claim 8, incorporating all the limitations of allowed independent claim 3.

There was no exhibit shown or any demonstration conducted, nor any identification of specific prior art discussed. There was no agreement reached, as the Examiner had not received Applicant's response to the July 16, 2004 Office Action.

Applicant believes claims 1-6 and 8 are in condition for allowance.

Respectfully submitted,

GLEN E. SCHUMANN

By

  
Glen E. Schumann

Reg. No. 31,058

Moss & Barnett, P.A.

4800 Wells Fargo Center

90 South Seventh Street

Minneapolis, Minnesota 55402-4129

612.347.0300